

Indiana Department of Education

Division of Exceptional Learners

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER:	1859.02
COMPLAINT INVESTIGATOR:	Sandie Scudder
DATE OF COMPLAINT:	January 18 & 23, 2002
DATE OF REPORT:	February 13, 2002
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	March 1, 2002

**COMPLAINT ISSUES:**

Whether the MSD of Lawrence Township violated:

- 511 IAC 7-27-4(c)(3) by failing to ensure the case conference committee considered whether the student's behavior impeded the student's learning or the learning of others and identified strategies to address any such behavior.
- 511 IAC 7-27-6(a)(1)(A) by failing to include in the student's individualized education program (IEP) a statement of the student's present level of performance, including how the student's disability affects the student's involvement and progress in the general education curriculum.

**FINDINGS OF FACT:**

1. The student (Student) is 15 years old, is in 9<sup>th</sup> grade, and is eligible for special education and related services as a student with a multiple disabilities and a visual impairment.
2. Page 35 of the March 20, 2001, IEP states that the Student does not have behaviors that interfere with her learning. The Complainant signed the IEP indicating his agreement with the contents. Although the School and the Complainant acknowledge that the Student has a problem with episodes of falling asleep in class, this has not been identified as a "behavior" that interferes with the Student's learning. The Complainant reports that the family is seeking a medical evaluation for this problem.
3. Pages 3 through 6 of the March 20 IEP identify the Student's present levels of performance in the areas of cognitive/intellectual ability, academics, assistive technology, and communication. Included are various descriptions of how the Student's present level of performance impacts the Student's involvement in the general education curriculum.

**CONCLUSIONS:**

1. Finding of Fact #2 establishes that the IEP dated March 20, 2001, states that the Student's behavior does not interfere with her learning. Because no interfering behaviors were identified, the CCC did not need to consider any behavioral strategies. Therefore, no violation of 511 IAC 7-27-4(c)(3) is found.
2. Finding of Fact #3 indicates that the CCC addressed the Student's present levels of performance and the impact the Student's disability will have on involvement and progress in the general

education curriculum. This information was incorporated into the Student's IEP. Therefore, no violation of 511 IAC 7-27-6(1)(A) is found.

**The Department of Education, Division of Special Education requires no corrective action based on the Findings of Fact and Conclusions listed above.**

DATE REPORT COMPLETED: February 13, 2002